

REMARKS

This is a full and timely response to the final Office Action mailed on June 6, 2005 (Paper No./Date 052405). Reconsideration and allowance of the Application and present claims are respectfully requested.

I. Interview Summary

On August 16, 2005, Examiner Jamie Vent spoke with Applicants' attorneys, Minh Nguyen and Jeff Kuester. First, Applicants wish to express their sincere appreciation for the time and consideration spent during the discussion of the office action and the cited reference. The Examiner indicated that the feature of a color that can be selected from a selectable option by a user overcomes the cited reference and may put the claims with this feature in condition for allowance depending on the result of a new search. Applicants have amended the claims in this response to include at least this feature. Applicants respectfully request that the claims be allowed.

II. Response to Claim Rejections Under 35 U.S.C. § 102

Claims 3-5, 7-12, 14-15, 17-19, 21, 23-27, 29-32, 35-38, and 40-49 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,832,385 to *Young, et al.* Applicants respectfully traverse this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claim 41

Claim 41, as amended, recites:

41. A method that is implemented via a digital home communication terminal for managing television presentation recordings comprising:

determining if a television presentation corresponding to a television presentation listing is scheduled to be recorded;

assigning a color input to the television presentation listing if the television presentation is scheduled to be recorded, ***wherein the color can be selected from a selectable option by a user***;
determining the color based on whether the television presentation has a time scheduling conflict with another television presentation that is scheduled to be recorded; and
presenting the television presentation listing as part of an interactive program guide (IPG), wherein the IPG includes a main program display area that contains the television presentation listing that is assigned the color and information corresponding to the availability of the television presentation listing for viewing during at least one time period, wherein the color is used as a background color for the television presentation listing.

(Emphasis Added)

In the Examiner's Interview, the Examiner indicated that the feature of a color that can be selected from a selectable option by a user overcomes the cited reference and may put the claims with this feature in condition for allowance depending on the result of a new search. Applicants have amended claim 41 to include the feature of "wherein the color can be selected from a selectable option by a user". Applicants respectfully submit that claim 41 be allowed and the rejection be withdrawn.

B. Claim 23

Claim 23, as amended, recites:

23. A system for managing television presentation recordings comprising:

determination logic for determining if a television presentation corresponding to a television presentation listing is scheduled to be recorded;

assignment logic for assigning a color to the television presentation listing in response to the determination logic determining that the television presentation is scheduled to be recorded and has a time scheduling conflict with another television presentation that is scheduled to be recorded, ***wherein the color can be selected from a selectable option by a user***; and

presentation logic for presenting the television presentation listing having the color that indicates that the television presentation has the time scheduling conflict and is scheduled to be recorded, the television presentation listing being presented as part of a requested interactive program guide (IPG), wherein the IPG

includes a main program display area that contains the television presentation listing that is assigned the color and information corresponding to the availability of the television presentation listing for viewing during at least one time period.

(Emphasis Added)

As mentioned above, in the Examiner's Interview, the Examiner indicated that the feature of a color that can be selected from a selectable option by a user overcomes the cited reference and may put the claims with this feature in condition for allowance depending on the result of a new search. Applicants have amended claim 23 to include the feature of "wherein the color can be selected from a selectable option by a user". Applicants respectfully submit that claim 23 be allowed and the rejection be withdrawn.

C. Dependent Claims

Because independent claims 23 and 41 are allowable over the cited art of record, dependent claims 3-5, 7-12, 14-15, 17-19, 21, 24-27, 29, 30-32, 35-38, and 40 are allowable as a matter of law for at least the reason that dependent claims 3-5, 7-12, 14-15, 17-19, 21, 24-27, 29, 30-32, 35-38, and 40 contain all features and elements of their respective independent base claims. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to dependent claims 3-5, 7-12, 14-15, 17-19, 21, 24-27, 29, 30-32, 35-38, and 40 should be withdrawn for at least this reason, among others.

D. Claims 42-49

Claims 42 and 46 recite "presenting an IPG color selection screen for selecting colors for designating characteristics of the television presentation listing." Claims 42 and 47 recite "presenting an IPG color priority selection screen for selecting priorities for IPG listing colors." Claims 44 and 48 recite "presenting a color scheme selection screen for supplying color scheme information that determines the colors of various IPG recording listings." Claims 45 and 49 recite "presenting a recording listing screen that provides information about scheduled recordings, the information including one of recording time conflict and storage capacity conflict."

Claims 42-49 include features of a color that can be selected from a type of selectable option. Applicants respectfully submit that the cited reference does not disclose or suggest a feature of presenting a type of selectable option to select colors to television presentation listings, as recited in claims 42-49, as well as the feature of a color that can be selected from a selectable option by a user. Applicants respectfully submit that dependent claims 42-49 be allowed and the rejection be withdrawn.

E. Newly Added Claims 50-56

Newly added claim 50 recites:

50. A method for managing television presentation recordings comprising:
presenting selectable options for selecting and assigning colors to a television presentation listing that is scheduled to be recorded;
determining if the television presentation corresponding to a television presentation listing is scheduled to be recorded;
assigning a color to the television presentation listing if the television presentation is scheduled to be recorded; and
presenting the television presentation listing as part of an interactive program guide (IPG), wherein the IPG includes a main program display area that contains the television presentation listing that is assigned the color and information corresponding to the availability of the television presentation listing for viewing during at least one time period, wherein the color is used as a background color for the television presentation listing.

(Emphasis Added)

Applicants respectfully submit that the cited reference does not disclose or suggest the feature of “presenting selectable options for selecting and assigning colors to a television presentation listing that is scheduled to be recorded,” as recited in claim , as well as the feature of a color that can be selected from a selectable option by a user. Applicants respectfully submit that newly added claim 50 and dependent claims 51-56 be allowed.

CONCLUSION

Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well-known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

Applicants respectfully maintain that the currently pending claims are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, she is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

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